

JAN 06 2006

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
15436.250.32.1

In Re Application Of: Freeman, et al.

Application No. 10/705,620	Filing Date November 10, 2003	Examiner Dung T. Nguyen	Customer No. 022913	Group Art Unit 2828	Confirmation No. 4707
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Title: MAGNETICALLY CONTROLLED HEAT SINK

COMMISSIONER FOR PATENTS:

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Response to Election of Species Requirement (2 pgs); Certificate of Mailing by "Express Mail" and Postcard

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Signature

Dated: January 6, 2006

Peter F. Malen, Jr.
Attorney for Applicants
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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Freeman et al.

Docket No.

15436.250.32.1

Application No.
10/705,620JAN 06 2003
Mailing Date
November 10, 2003Examiner
Dung T. NguyenCustomer No.
022913Group Art Unit
2828

Invention: MAGNETICALLY CONTROLLED HEAT SINK

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Response to Election of Species Requirement (2 pgs); Transmittal Letter (1 pg in duplicate); and Postcard

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EV 695936348 US

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PATENT APPLICATION

Docket No.: 15436.250.32.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
Freeman et al.)	
)	
Serial No.:	10/705,620)
) Art Unit
Filing Date:	November 10, 2003) 2828
)
Confirmation No.:	4707)
)
Title:	MAGNETICALLY CONTROLLED)
	HEAT SINK)
)
Examiner:	Dung T. Nguyen)
)
Customer No.:	022913)

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed December 7, 2005 (the "Office Action"), the Examiner set forth an Election of Species Requirement that identified what the Examiner has characterized as two (2) patentably distinct species of the claimed invention. In particular, the Examiner

suggested in the Office Action that the present application contains claims directed to the following species:

Group I: Claims 1-10 are directed to a magnetic heat sink device, a temperature sensor and control circuitry;

Group II: Claims 11-20 are directed to a laser system, an actuator system, and a heat sink.

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects Species I (Claims 1-10) for examination, without traverse

Applicant notes that while the election set forth herein is made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicant as to the merits, if any, of: the characterization of the claims and inventions advanced by the Examiner in the election of species requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that restriction/election of species requirement.

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested. In the event that the Examiner wishes to discuss any of the matters contemplated hereby, the Examiner is invited to initiate a telephone conversation with the undersigned.

Dated this 6th day of January 2006.

Respectfully submitted,



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Customer No. 022913
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PFM/gm
GPM0000001742V001